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16 UBER TECHNOLOGIES, INC. and
17 RASIER-CA, LLC

18 *[Additional counsel listed on next page]*

19 UNITED STATES DISTRICT COURT
20
21 NORTHERN DISTRICT OF CALIFORNIA

22 RICARDO DEL RIO, a California
23 resident, on behalf of himself, the proposed
24 class and collective class; JOSE
25 VALDIVIA, a California resident, on
26 behalf of himself, the proposed class and
27 collective class; JOSE PEREIRA, a
28 California resident, on behalf of himself,
the proposed class and collective class,

Plaintiffs,

v.

22 UBER TECHNOLOGIES, INC., a
23 Delaware Corporation, RASIER-CA, LLC,
24 a Delaware Limited Liability Company,
25 and DOES 1 through 10, inclusive,

Defendants.

Case No. 3:15-cv-03667-EMC
[Related to 3:13-cv-03826-EMC]

**STIPULATION TO SUBMIT MATTER TO
BINDING ARBITRATION AND STAY
ACTION; [PROPOSED] ORDER**

Complaint Filed: August 11, 2015
FAC Filed: September 21, 2015
SAC Filed: April 27, 2016
Trial Date: None set

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17 Attorneys for Plaintiffs
18 RICARDO DEL RIO, JOSE VALDIVIA and JOSE PEREIRA

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STIPULATION

Plaintiffs Ricardo Del Rio, Jose Valdivia, and Jose Pereira (collectively “Plaintiffs”) and Defendants Uber Technologies, Inc. and Rasier-CA, LLC (collectively “Uber”) (Plaintiffs and Defendants are collectively referred to as the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on August 11, 2015, Plaintiff Del Rio filed the Complaint in this action in the United States District Court, Northern District of California, Case No: 3:15-cv-03667-EMC;

WHEREAS, on September 21, 2015, Plaintiff Del Rio amended his Complaint and added Tony Mehrdad Saghebian as a named Plaintiff in this action;

WHEREAS, on October 14, 2015 Defendants filed a motion to compel Plaintiffs Del Rio and Saghebian to arbitrate their claims on an individual basis and to dismiss their class claims, and the Court denied Defendants' motion on December 16, 2015;

WHEREAS, on December 18, 2015 Defendants filed a notice of appeal of this Court's order denying Uber's motion to compel arbitration;

WHEREAS, on January 27, 2016, the United States Court of Appeals for the Ninth Circuit consolidated the appeal in this matter with the appeals from the denial of arbitration in *O'Connor et al. v. Uber Technologies, Inc.*, No. 15-17420 and *Yucesoy v. Uber Technologies, Inc.*, No. 15-17422 (collectively the “Consolidated Appeals”);

WHEREAS, on February 23, 2016 the Parties stipulated and agreed that Plaintiff Saghebian would pursue his claims in binding individual arbitration;

WHEREAS, on April 27, 2016, Plaintiff Del Rio filed a Second Amended Complaint adding Jose Valdivia and Jose Pereira as named Plaintiffs in this action;

WHEREAS, on September 25, 2018, the United States Court of Appeals for the Ninth Circuit issued its opinion in the Consolidated Appeals, reversing this Court's order denying Defendants' motion to compel arbitration;

WHEREAS, the Parties have met and conferred and agree that in light of the Ninth Circuit's decision in the Consolidated Appeals, Plaintiffs' shall submit the claims in their Second Amended Complaint to binding individual arbitration; and

1 WHEREAS, the Parties agree that that case management conference scheduled for April 18,
 2 2019 should be vacated, and that the Parties' will provide a status update regarding the arbitrations in
 3 120 days.

4 NOW THEREFORE, subject to the approval of this Court, it is hereby stipulated and agreed,
 5 by and between the parties, as follows:

6 1. Plaintiffs' claims in the Second Amended Complaint shall be submitted to binding
 7 individual arbitration before mutually agreeable arbitrators;

8 2. The above-captioned matter shall be stayed pending the decision of the arbitrators and
 9 the Court shall retain jurisdiction for purposes of enforcing this Stipulation and final arbitration orders
 10 or awards; and

11 3. The case management conference scheduled for April 18, 2019 shall be vacated, and
 12 the Parties' will provide a status update regarding the arbitrations in 120 days.

13 **IT IS SO STIPULATED.**

14 Dated: April 11, 2019

15 */s/ Chris Hamner*

16 CHRISTOPHER J. HAMNER
 17 HAMNER LAW OFFICES, APC
 18 Attorneys for Plaintiffs
 RICARDO DEL RIO, JOSE VALDIVIA and JOSE
 PEREIRA

19 Dated: April 11, 2019

20 */s/ Sophia Behnia*

21 SOPHIA BEHNIA
 22 LITTLER MENDELSON, P.C.
 23 Attorneys for Defendants
 UBER TECHNOLOGIES, INC. AND RASIER-CA,
 LLC

1 **ATTESTATION OF FILER**

2 I, Sophia Behnia, attest that concurrence in the filing of this document has been obtained from
3 Christopher Hamner, which shall serve in lieu of his signature on this document.

4 Dated this 11th day of April, 2019.

5 */s/ Sophia Behnia* _____

6 SOPHIA BEHNIA

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1 [PROPOSED] ORDER

2 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

3 1. Plaintiffs' claims in the Second Amended Complaint shall be submitted to binding
4 individual arbitration before mutually agreeable arbitrators;

5 2. The above-captioned matter shall be stayed pending the decision of the arbitrators and
6 the Court shall retain jurisdiction for purposes of enforcing this Stipulation and final arbitration orders
7 or awards; and

8 3. The case management conference scheduled for April 18, 2019 shall be vacated, and
9 the Parties' will provide a status update regarding the arbitrations in 120 days.

10 IT IS SO ORDERED.

11 Dated: _____, 2019

12 _____
13 The Honorable Edward M. Chen
14 United States District Judge